

REMARKS

Claims 1-24 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

EXAMINER INTERVIEW REQUESTED

If the following amendments and remarks do not persuade the Examiner, Applicants representative kindly requests a telephonic interview to remove issues, amend claims, and/or determine that no further progress can be made. Applicant is hopeful that the Examiner would grant this request in the interest of resolving any open issues in this application.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,614,813 (Batson). This rejection is respectfully traversed.

With respect to amended claim 1, Applicants respectfully traverse the rejection. In particular, Applicants respectfully submit that Batson fails to anticipate a power module having a data input for receiving and decoding information; a sensor module having a data output for encoding and transmitting information and generating a digitally encoded data sensor signal on the data output, wherein the data sensor signal is transmitted in accordance with a communications protocol; and a control module having a data input for receiving and decoding the sensor signal and including a control data output for encoding and transmitting information.

With respect to claim 20, Applicants respectfully traverse the rejection. Applicants respectfully submit that Batson fails to anticipate claim 20. In particular, Batson clearly fails to anticipate a digital interface that implements a communications protocol. In Batson, the A-D converter at best converts an analog signal from the PWM switch-driver to a digital signal. The A-D converter of Batson does not encode any additional data nor does it transfer the data according to any specific set of rules or protocol.

Batson clearly fails to anticipate any of the above-mentioned features with respect to claim 1. Batson at best discloses the use of an electrical conductor to interconnect various modules. Batson clearly fails to anticipate the claimed data input for receiving and decoding information, data output for encoding and transmitting information and generating a digitally encoded data center signal, and a data input for receiving and decoding the sensor signal. The control module of Batson does not anticipate any of these features.

The signal from the control module to the power module of Batson is described as a pulse with modulated (PWM) signal. A PWM signal clearly differs from the claimed data input for receiving and decoding information and data output for encoding and transmitting information. The claimed signals clearly transfer information in the signal. A PWM signal is simply a control signal, but has no data encoded within it. The PWM signal output by the control module of Batson strictly drives the switches of block 12 of Fig. 5. Thus, the PWM signal is a signal for exercising control not a signal for exchanging information.

With respect to Claim 20, Applicant respectfully submits that Batson fails to anticipate Claim 20. Batson clearly fails to anticipate a power module having a digital communications port. Batson further clearly fails to anticipate a sensor module having a

digital communications port and generating a digital sensor signal on the digital communications port. Further Batson fails to anticipate the digital interface interconnecting the power module and the sensor module to enable digital communications therebetween, wherein the digital interface implements a communications protocol. Finally, Batson fails to anticipate a control module having a digital measurement input for receiving the sensor signal, the control module generating a control signal for controlling the power module.

With respect to the power module having a digital communications port as alleged by the Examiner, Applicant respectfully submits that the Examiner cannot interpret an electrical conductor as comprising a digital communications port. A digital communications port enables digital communication between the power module and another device. This inherently includes the encoding and decoding of data. The citation of control signals does not meet this limitation. Batson at best discloses a control signal sent from the control module to the power module; however, providing a control signal does not rise to the level of digital communications. Further, Batson cannot anticipate the digital interface, as the claimed digital interface interconnecting the power module and the sensor module enables digital communications therebetween, wherein the digital interface implements a communications protocol. There is no communication of data between the power module and the sensor module in Batson, and clearly there is no digital communication between the power module and the sensor module.

Batson clearly fails to anticipate any of the above-mentioned features. A communications protocol is commonly defined as a set of rules defining the format and transmission of data sent between two devices. The set of rules may include a method

for detecting errors, correcting detected errors, and/or transferring the data to specific locations. Batson at best discusses sending a PWM signal from one device to another. The PWM signal is simply a control signal that drives the switches of block 12 of Fig. 5. The control signal of Batson does not include any encoded data. Further, Batson fails to anticipate a set of rules defining the transfer data. Batson clearly fails to anticipate exchanging digital data between the modules according to a communications protocol.

In view of the foregoing, Applicant respectfully submits that claims 1 and 20 define over the art cited by the Examiner.

REJECTION UNDER 35 U.S.C. § 103

Claims 2 - 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Batson (U.S. Pat. No. 5,614,813). This rejection is respectfully traversed.

A. Claims 2 - 8 depend directly or indirectly from Claim 1 and are allowable over Batson for the same reasons. Applicants respectfully submit that the arguments made above with respect to Claim 1 apply equally hereto.

The Examiner alleges that claims 2 - 8 are obvious in view of Batson. Applicant respectfully submits that in addition to the arguments made above, Applicant respectfully submits that nothing in Batson teaches or suggests claims 2 - 8. More particularly, as Batson fails to teach or suggest the power module, sensor module, and control module of Claim 1, Batson cannot teach or suggest any of the elements of claims 2 - 8.

The Examiner has taken official notice of a data link interconnecting and plurality of modules via fiber optics, infrared, wireless, etc., as well known in the art. Applicant respectfully submits that no such teaching or suggestion exists with respect to a power

generator system as defined in claims 2 - 8. Applicant respectfully refers the Examiner to section 2144.03 of the Manual of Patent Examining Procedure (MPEP). MPEP 2144.03(C) specifically states that "[t]o adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Applicant respectfully traverses the Examiner's official notice of the data link in accordance with this MPEP 2144.03(c). More particularly, Applicant respectfully submits that the data link cannot be common knowledge or well-known with respect to power modules.

Applicant respectfully traverses the Examiner's taking of official notice, particularly with respect to the Examiner combining the subject matter of the official notice with Batson to formulate the rejection under 35 U.S.C. 103(a). Batson clearly provides no teaching or suggestion of a data link interconnecting at least a pair of the sensor module, the control module, the power module, etc. Accordingly, as Batson makes no teaching or suggestion, the Examiner cannot simply assume that, that of which the Examiner takes official notice can provide the teaching or suggestion in combination with Batson. The Examiner has performed a search in this area and such features were in front of the Examiner during that search. The Examiner has failed to produce any reference found during the search which justifies the taking of official notice, particularly as these features relate to the subject, claimed invention.

Even considering the Examiner having taken official notice, Applicant maintains that the arguments made above with respect to Batson apply equally hereto. Neither Batson alone nor the subject matter of which the Examiner takes official notice provides any teaching or suggestion of the combination to render the claimed invention.

Accordingly, Applicant respectfully submits that claims 2 – 8 define over the art cited by the Examiner.

B. Claims 9 – 19 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Batson (U.S. Pat. No. 5,614,813) in view of Theall (U.S. Pat. No. 4,375,051). This rejection is respectfully traversed.

With respect to rejection of claims 9 - 19 and 21 - 24, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness of the claimed invention by failing to demonstrate that all the claim limitations are taught or suggested by the prior art as required by MPEP 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F 2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). With respect to claim 9, Applicant cannot begin to address the substance of claim 9, as the Examiner has completely misquoted claim 9. In particular, claim 9 as it presently exists, and as was originally presented, recites "a power generator, the power generator receiving the input power and generating the output power, the power generator including a first digital interface." On the other hand, the Examiner with respect to claim 9 referred to Batson as disclosing a power generator system comprising "a power module (12) for receiving an electrical energy input and generating an electrical energy output, the power module having a digital control input." The existence of any such teaching in Batson is irrelevant, as the Examiner does not address how the cited element in Batson relates to the power generator of claim 9. Similar arguments can be drawn with respect to the output sensor and the controller of claim 9. In particular, each element specifically refers to a digital interface, while the portions of Batson cited by the Examiner make no teaching or suggestion of a digital interface. Accordingly, Applicant cannot possibly

respond to the rejection. Further, the Examiner has failed to address the individual elements of claim 17, which differ from claim 9 and thus is at a loss of how to begin to respond to the rejection by the Examiner.

The Examiner's rejection has not been specific as to how each of the recited elements in claims 9-19 and 21-24 are taught or suggested by the alleged combination of Batson and Theall. For example, the Examiner has completely misquoted claim 9, so no specificity could possibly exist in the Examiner's arguments. The Examiner has not adequately explained the reasons why one of ordinary skill in the art would have been motivated to select Batson and Theall to reject claims 9-19 and 21-24. The need for specificity pervades this authority. See, e.g., In re Kotzab, 55 USPQ2d at 1317 ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) ("even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."); In re Fritch, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references"). For these additional reasons, Applicants submit that the rejection fails to satisfy a showing of obviousness.

Accordingly, the Examiner has not adequately supported the selection and combination of the Batson and Theall references to render obvious that which Applicants have described. The Examiner's conclusory statements "to provide the load matching circuit and the digital interface would be to provide a digital controlled load matching circuit, to protect the power generator, from reflected power generated by a changing load" do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). The Examiner must explain the reasoning behind his findings of motivation. Simply stating that combining Batson with Theall "to provide the load matching circuit and the digital interface would be to provide a digital controlled load matching circuit, to protect the power generator, from reflected power generated by a changing load" is an insufficient explanation for the alleged combination.

Accordingly, the rejection by the Examiner lacks specificity as to each of the recited elements in independent claims 9 and 17 are taught or suggested by the elected combination of Batson and Theall. In view of the foregoing, Applicant respectfully submits that claims 9 and 17 define over the art cited by the Examiner. Likewise, claims 10 - 19 and 21 - 24, which depend from claims 9 and 17 also define over the art cited by the Examiner.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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